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Attorney's Docket No. ALAR4.001APC

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled RANDOM DRIFT MUTAGENESIS; the specification of which was filed on April 4, 2005 as Application Serial No. 10/530,314;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)****Priority  
Claimed**

No.: 2002951899

Country: Australia

Date Filed: 10/04/2002

Yes

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S.A. Application(s)**

Application No.: PCT/AU2003/001314

Filing Date: 10/07/2003

Status: Entered National Phase

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Peter Leonard Bergquist

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Attorney's Docket No. AI,AR4.001APC

Inventor's signature A. L. BergmanDate 17th November 2006

Residence: 3A Pukerangi Crescent, Ellerslie, Auckland 1005, New Zealand

Citizenship: New Zealand/Australia

Mailing Address: 3A Pukerangi Crescent, Ellerslie, Auckland 1005, New Zealand

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Attorney's Docket No. ALAR4.001APC

Full name of second inventor: Moreland David Gibbs

Inventor's signature *MD Gibbs*Date 17th November 2006

Residence: 12 Forwood Avenue, Turramurra, New South Wales 2074, Australia

Citizenship: New Zealand/Australia

Mailing Address: 12 Forwood Avenue, Turramurra, New South Wales 2074, Australia

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Attorney's Docket No. ALAR4.001APC

Full name of third inventor: Rosalind Reeves

Inventor's signature *R. Reeves*

Date 17-11-06

Residence: 12 Forwood Avenue, Turrumurra, New South Wales 2074, Australia

Citizenship: New Zealand/Australia

Mailing Address: 12 Forwood Avenue, Turrumurra, New South Wales 2074, Australia

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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ALAR4.001APC

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|           |   |                          |   |
|-----------|---|--------------------------|---|
| Applicant | : | Bergquist et al.         | ) |
|           |   |                          | ) |
| App. No.  | : | 10/530,314               | ) |
|           |   |                          | ) |
| Filed     | : | April 4, 2005            | ) |
|           |   |                          | ) |
| For       | : | RANDOM DRIFT MUTAGENESIS | ) |
|           |   |                          | ) |
| Examiner  | : | Unassigned               | ) |
|           |   |                          | ) |

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

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App. No. : 10/530,314  
Filed : April 4, 2005

Please use **Customer No. 20,995** for all communications.

MACQUARIE UNIVERSITY

Dated: 24/11/06

By: 

Jari Rutkiewicz  
(Printed Name)

Title: Director Business Development

Address: North Ryde, New South Wales 2109  
Australia

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Application No.: 10/530,314  
Filing Date: April 4, 2005

**PATENT**  
Client Code: ALAR4.001APC  
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### ASSIGNMENT

WHEREAS, We, Peter Leonard Bergquist, a New Zealand citizen and an Australian citizen, residing at 3A Pukerangi Crescent, Ellerslie, Auckland 1005, New Zealand, Moreland David Gibbs, a citizen of New Zealand and Australia, residing at 12 Forwood Avenue, Turramurra, New South Wales 2074, Australia; and Rosalind Reeves, a citizen of Australia and New Zealand, residing at 12 Forwood Avenue, Turramurra, New South Wales 2074, Australia; have invented certain new and useful improvements in a RANDOM DRIFT MUTAGENESIS for which we have filed an application for Letters Patent in the United States, Application No. 10/530,314, Filed on April 4, 2005;

AND WHEREAS, Macquarie University (hereinafter "ASSIGNEE"), a Australian Corporation, with its principal place of business at North Ryde, New South Wales 2109 Australia, desires to acquire the entire right, title, and interest in and to said improvements and said Application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under said improvements, and said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

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Application No.: 10/530,314  
Filing Date: April 4, 2005

PATENT  
Client Code: ALAR4,001APC  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17<sup>th</sup> day of  
November, 2006.

P. L. Bergquist  
Peter Leonard Bergquist

Witnessed By: W. J. Gibbs

Printed Name: MORELAND GIBBS

Date: 17<sup>th</sup> November 2006

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Application No.: 10/530,314  
Filing Date: April 4, 2005

PATENT  
Client Code: ALAR4.001APC  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17th day of  
November, 2006

*Moreland David Gibbs*

Moreland David Gibbs

Witnessed By: *Rosalind Reeves*

Printed Name: Rosalind Reeves

Date: 17-11-06

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Application No.: 10/530,314  
Filing Date: April 4, 2005

PATENT  
Client Code: ALAR4.001APC  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17<sup>th</sup> day of  
November, 2006

Rosalind Reeves  
Rosalind Reeves

Witnessed By: Moreland Gibbs

Printed Name: MORELAND GIBBS

Date: 17/11/2006

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